

Calendar No. 448

103D CONGRESS
2nd SESSION

H. R. 1183

[Report No. 103-277]

AN ACT

To validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company.

May 25 (legislative day, May 16), 1994

Reported without amendment

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 1993

Received; read twice and referred to the Committee on Energy and Natural
Resources

MAY 25 (legislative day, MAY 16), 1994

Reported by Mr. JOHNSTON, without amendment

AN ACT

To validate conveyances of certain lands in the State of
California that form part of the right-of-way granted
by the United States to the Central Pacific Railway
Company.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Railroad Right-of-Way
5 Conveyance Validation Act”.

1 **SEC. 2. VALIDATION OF CONVEYANCES.**

2 Except as provided in section 5, the conveyances de-
3 scribed in section 3 (involving certain lands in Nevada
4 County, State of California) and section 4 (involving cer-
5 tain lands in San Joaquin County, State of California)
6 concerning lands that form parts of the right-of-way
7 granted by the United States to the Central Pacific Rail-
8 way Company in the Act entitled “An Act to aid in the
9 Construction of a Railroad and Telegraph Line from the
10 Missouri River to the Pacific Ocean, and to secure to the
11 Government the Use of the same for Postal, Military, and
12 Other Purposes”, approved July 1, 1862 (12 Stat. 489),
13 hereby are legalized, validated, and confirmed, as far as
14 any interest of the United States in such lands is con-
15 cerned, with the same force and effect as if the land in-
16 volved in each such conveyance had been held, on the date
17 of such conveyance, under absolute fee simple title by the
18 grantor of such land.

19 **SEC. 3. CONVEYANCES OF LANDS IN NEVADA COUNTY,**
20 **STATE OF CALIFORNIA.**

21 The conveyances of land in Nevada County, State of
22 California, referred to in section 2 are as follows:

23 (1) The conveyances entered into between the
24 Southern Pacific Transportation Company, grantor,
25 and David G. ‘Otis’ Kantz and Virginia Thomas
26 Bills Kantz, husband and wife, as joint tenants,

1 grantees, recorded June 10, 1987, as instrument
2 number 87-15995 in the official records of the
3 county of Nevada.

4 (2) The conveyance entered into between the
5 Southern Pacific Transportation Company, grantor,
6 and Antone Silva and Martha E. Silva, his wife,
7 grantees, recorded June 10, 1987, as instrument
8 number 87-15996 in the official records of the
9 county of Nevada.

10 (3) The conveyance entered into between the
11 Southern Pacific Transportation Company, grantor,
12 and Charlie D. Roeschen and Renee Roeschen, hus-
13 band and wife as joint tenants, grantees, re-
14 corded June 10, 1987, as instrument number 87-
15 15997 in the official records of the county of
16 Nevada.

17 (4) The conveyance entered into between the
18 Southern Pacific Transportation Company, grantor,
19 and Manuel F. Nevarez and Margarita Nevarez, his
20 wife, as joint tenants, grantees, recorded June 10,
21 1987, as instrument number 87-15998 in the offi-
22 cial records of the county of Nevada.

23 (5) The conveyance entered into between the
24 Southern Pacific Transportation Company, grantor,
25 and Susan P. Summers, grantee, recorded June 10,

1 1987, as instrument number 87-15999 in the offi-
2 cial records of the county of Nevada.

3 (6) The conveyance entered into between the
4 Southern Pacific Transportation Company, grantor,
5 and James L. Porter, a single man, as his sole and
6 separate property, grantee, recorded June 10, 1987,
7 as instrument number 87-16000 in the official
8 records of the county of Nevada.

9 (7) The conveyance entered into between the
10 Southern Pacific Transportation Company, grantor,
11 and Robert L. Helin, a single man, grantee, re-
12 corded June 10, 1987, as instrument number 87-
13 16001 in the official records of the county of
14 Nevada.

15 (8) The conveyance entered into between the
16 Southern Pacific Transportation Company, grantor,
17 and Thomas S. Archer and Laura J. Archer, hus-
18 band and wife, as joint tenants, grantees, recorded
19 June 10, 1987, as instrument number 87-16002 in
20 the official records of the county of Nevada.

21 (9) The conveyance entered into between the
22 Southern Pacific Transportation Company, grantor,
23 and Wallace L. Stevens, a single man, grantee, re-
24 corded June 10, 1987, as instrument number 87-

1 16003 in the official records of the county of
2 Nevada.

3 (10) The conveyance entered into between the
4 Southern Pacific Transportation Company, grantor,
5 and Sierra Pacific Power Company, grantees, re-
6 corded June 10, 1987, as instrument number 87-
7 16004 in the official records of the county of
8 Nevada.

9 (11) The conveyance entered into between the
10 Southern Pacific Transportation Company, grantor,
11 and Truckee Public Utility District, grantees, re-
12 corded June 10, 1987, as instrument number 87-
13 16005 in the official records of the county of
14 Nevada.

15 (12) The conveyance entered into between the
16 Southern Pacific Transportation Company, grantor,
17 and Dwayne W. Haddock and Bertha M. Haddock,
18 his wife as joint tenants, grantees, recorded June
19 10, 1987, as instrument number 87-16006 in the
20 official records of the county of Nevada.

21 (13) The conveyance entered into between the
22 Southern Pacific Transportation Company, grantor,
23 and William C. Thorn, grantee, recorded June 10,
24 1987, as instrument number 87-16007 in the offi-
25 cial records of the county of Nevada.

1 (14) The conveyance entered into between the
2 Southern Pacific Transportation Company, grantor,
3 and Jose Guadalupe Lopez, grantees, recorded
4 June 10, 1987, as instrument number 87-16008 in
5 the official records of the county of Nevada.

6 (15) The conveyance entered into between the
7 Southern Pacific Transportation Company, grantor,
8 and Harold O. Dixon, an unmarried man, as to an
9 undivided half interest, and Pedro Lopez, a married
10 man, as to an undivided half interest, as joint ten-
11 ants, grantees, recorded June 10, 1987, as instru-
12 ment number 87-16009 in the official records of the
13 county of Nevada.

14 (16) The conveyance entered into between the
15 Southern Pacific Transportation Company, grantor,
16 and Robert E. Sutton and Patricia S. Sutton, hus-
17 band and wife, as joint tenants, grantees, recorded
18 June 10, 1987, as instrument number 87-16010 in
19 the official records of the county of Nevada.

20 (17) The conveyance entered into between the
21 Southern Pacific Transportation Company, grantor,
22 and Angelo C. Besio and Eva G. Besio, his wife,
23 grantees, recorded June 10, 1987, as instrument
24 number 87-16011 in the official records of the
25 county of Nevada.

1 (18) The conveyance entered into between the
2 Southern Pacific Transportation Company, grantor,
3 and Lawrence P. Young and Mary K. Young, hus-
4 band and wife, as joint tenants, grantees, recorded
5 June 10, 1987, as instrument number 87-16012 in
6 the official records of the county of Nevada.

7 (19) The conveyance entered into between the
8 Southern Pacific Transportation Company, grantor,
9 and the estate of Charles Clyde Cozzaglio, grantee,
10 recorded June 10, 1987, as instrument number 87-
11 16013 in the official records of the county of
12 Nevada.

13 (20) The conveyance entered into between the
14 Southern Pacific Transportation Company, grantor,
15 and Noel T. Hargreaves, an unmarried woman, as
16 her sole and separate property, grantee, recorded
17 June 10, 1987, as instrument number 87-16014 in
18 the official records of the county of Nevada.

19 (21) The conveyance entered into between the
20 Southern Pacific Transportation Company, grantor,
21 and Athleisure Enterprises, Incorporated, a Nevada
22 corporation, grantees, recorded January 24, 1989,
23 as instrument number 89-01803 in the official
24 records of the county of Nevada.

1 (22) The conveyance entered into between the
2 Southern Pacific Transportation Company, grantor,
3 and Richard Bwarie, a single man as to an undi-
4 vided one-half interest, and Roger S. Gannam and
5 Lucille Gannam, husband and wife, as joint tenants,
6 as to an undivided one-half interest, grantees, re-
7 corded January 24, 1989, as instrument number
8 89-01804 in the official records of the county of
9 Nevada.

10 (23) The conveyance entered into between the
11 Southern Pacific Transportation Company, grantor,
12 and William Campbell and Juanita R. Campbell, his
13 wife as joint tenants, grantees, recorded January 24,
14 1989, as instrument number 89-01805 in the offi-
15 cial records of the county of Nevada.

16 (24) The conveyance entered into between the
17 Southern Pacific Transportation Company, grantor,
18 and William E. Cannon and Lynn M. Cannon, hus-
19 band and wife, as joint tenants as to an undivided
20 one-half interest, and Brent Collinson and Dianne
21 Collinson, husband and wife, as joint tenants, as to
22 an undivided one-half interest, grantees, recorded
23 January 24, 1989, as instrument number 89-01806
24 in the official records of the county of Nevada.

1 (25) The conveyance entered into between the
2 Southern Pacific Transportation Company, grantor,
3 and Christopher G. Eaton and Bernadette M.
4 Eaton, husband and wife as community property,
5 grantees, recorded January 24, 1989, as instrument
6 number 89-01807 in the official records of the
7 county of Nevada.

8 (26) The conveyance entered into between the
9 Southern Pacific Transportation Company, grantor,
10 and Christopher G. Eaton grantee, recorded
11 January 24, 1989, as instrument number 89-01808
12 in the official records of the county of Nevada.

13 (27) The conveyance entered into between the
14 Southern Pacific Transportation Company, grantor,
15 and Valeria M. Kelly, an unmarried woman, grantee,
16 recorded January 24, 1989, as instrument number
17 89-01809 in the official records of the county of
18 Nevada.

19 (28) The conveyance entered into between the
20 Southern Pacific Transportation Company, grantor,
21 and William J. Kuttel and Delia Rey Kuttel, hus-
22 band and wife, grantees, recorded January 24, 1989,
23 as instrument number 89-01810 in the official
24 records of the county of Nevada.

1 (29) The conveyance entered into between the
2 Southern Pacific Transportation Company, grantor,
3 and Thomas A. Lippert and Laurel A. Lippert, hus-
4 band and wife, grantees, recorded January 24, 1989,
5 as instrument number 89-01811 in the official
6 records of the county of Nevada.

7 (30) The conveyance entered into between the
8 Southern Pacific Transportation Company, grantor,
9 and Fred J. Mahler, a single man, grantee, recorded
10 January 24, 1989, as instrument number 89-01812
11 in the official records of the county of Nevada.

12 (31) The conveyance entered into between the
13 Southern Pacific Transportation Company, grantor,
14 and Francis Doyle McGwinn also known as Doyle F.
15 McGwinn, a widower, grantee, recorded January 24,
16 1989, as instrument number 89-01813 in the offi-
17 cial records of the county of Nevada.

18 (32) The conveyance entered into between the
19 Southern Pacific Transportation Company, grantor,
20 and James D. Ritchie and Susan Ritchie, husband
21 and wife, as joint tenants, grantees, recorded Janu-
22 ary 24, 1989, as instrument number 89-01814 in
23 the official records of the county of Nevada.

24 (33) The conveyance entered into between the
25 Southern Pacific Transportation Company, grantor,

1 and William R. Smith and Joan M. Smith, his wife,
2 as joint tenants, grantees, recorded January 24,
3 1989, as instrument number 89-01815 in the offi-
4 cial records of the county of Nevada.

5 (34) The conveyance entered into between the
6 Southern Pacific Transportation Company, grantor,
7 and Anthony J. Stile and Laura A. Stile, husband
8 and wife, as joint tenants, grantees, recorded Janu-
9 ary 24, 1989, as instrument number 89-01816 in
10 the official records of the county of Nevada.

11 (35) The conveyance entered into between the
12 Southern Pacific Transportation Company, grantor,
13 and Thomas R. Stokes, a single man, and Carla J.
14 Stewart, a single woman, as joint tenants, grantees,
15 recorded January 24, 1989, as instrument number
16 89-01817 in the official records of the county of
17 Nevada.

18 (36) The conveyance entered into between the
19 Southern Pacific Transportation Company, grantor,
20 and Tom's Television System, Incorporated, a Cali-
21 fornia Corporation, grantees, recorded January 24,
22 1989, as instrument number 89-01818 in the offi-
23 cial records of the county of Nevada.

24 (37) The conveyance entered into between the
25 Southern Pacific Transportation Company, grantor,

1 and Tom's Television System, Incorporated, a Cali-
2 fornia corporation, grantees, recorded January 24,
3 1989, as instrument number 89-01819 in the offi-
4 cial records of the county of Nevada.

5 (38) The conveyances entered into between the
6 Southern Pacific Transportation Company, grantor,
7 and Harry M. Welch and Betty R. Welch, his wife,
8 as joint tenants, grantees, recorded January 24,
9 1989, as instrument number 89-01820 in the offi-
10 cial records of the county of Nevada.

11 (39) The conveyance entered into between the
12 Southern Pacific Transportation Company, grantor,
13 and Harry Fariel and Joan Fariel, husband and
14 wife, as joint tenants, grantees, recorded February
15 2, 1989, as instrument number 89-02748 in the of-
16 ficial records of the county of Nevada.

17 (40) The conveyance entered into between the
18 Southern Pacific Transportation Company, grantor,
19 and Edward Candler and May Candler, husband and
20 wife as community property, as to an undivided two-
21 thirds interest; and Harry Fariel and Joan Fariel,
22 husband and wife, as joint tenants, as to an undi-
23 vided one-third interest, grantees, recorded February
24 2, 1989, as instrument number 89-02749 in the of-
25 ficial records of the county of Nevada.

1 (41) The conveyance entered into between the
2 Central Pacific Railroad, grantor, and E.W. Hopkins
3 and J.O.B. Gann, grantees, recorded April 7, 1894,
4 in Book 79 of Deeds at page 679, official records of
5 the county of Nevada.

6 (42) The conveyance entered into between the
7 Southern Pacific Transportation Company, grantor,
8 and John David Gay and Elizabeth Jean Gay, as
9 Trustees of the David and Elizabeth Gay Trust,
10 grantees, recorded October 3, 1991, as instrument
11 number 91-30654 of the official records of the
12 county of Nevada.

13 **SEC. 4. CONVEYANCES OF LAND IN SAN JOAQUIN COUNTY,**
14 **STATE OF CALIFORNIA.**

15 The conveyances of land in San Joaquin County,
16 State of California, referred to in section 2 are as follows:

17 (1) The conveyance entered into between the
18 Southern Pacific Transportation Company, grantor,
19 and Ronald M. Lauchland and Lillian R. Lauchland,
20 grantees, recorded October 1, 1985, as instrument
21 number 85066621 in the official records of the
22 county of San Joaquin.

23 (2) The conveyance entered into between the
24 Southern Pacific Transportation Company, grantor,
25 and Bradford A. Lange and Susan J. Lange, his

1 wife, as to an undivided one-half, and Randall W.
2 Lange and Charlene J. Lange, his wife, as to an un-
3 divided one-half interest, grantees, recorded October
4 1, 1985, as instrument number 85066623 in the of-
5 ficial records of the county of San Joaquin.

6 (3) The conveyance entered into between the
7 Southern Pacific Transportation Company, grantor,
8 and Leo G. Lewis and Vasiliki L. Lewis, and Billy
9 G. Lewis and Dimetria Lewis, grantees, recorded
10 October 1, 1985, as instrument number 85066625
11 in the official records of the county of San Joaquin.

12 (4) The conveyance entered into between the
13 Southern Pacific Transportation Company, grantor,
14 and Louis J. Bennett, grantees, recorded October 1,
15 1985, as instrument number 85066627 in the offi-
16 cial records of the county of San Joaquin.

17 (5) The conveyance entered into between the
18 Southern Pacific Transportation Company, grantor,
19 and Joe Alves Correia and Leontina Correia, his
20 wife, grantees, recorded September 1, 1970, instru-
21 ment number 33915, in book 3428, page 461, of the
22 official records of the county of San Joaquin.

23 (6) The conveyance entered into between the
24 Southern Pacific Transportation Company, grantor,
25 and Willard H. Fike, Jr., and Dorla E. Fike, his

1 wife, grantees, recorded January 7, 1988, instru-
2 ment number 88001473 of the official records of the
3 county of San Joaquin.

4 (7) The conveyance entered into between
5 Central Pacific Railway, grantor, and Nettie M.
6 Murray and Marie M. Hallinan, grantees, dated May
7 31, 1949, recorded June 14, 1949, in volume 1179
8 at page 394 of the official records of the county of
9 San Joaquin.

10 (8) The conveyance entered into between the
11 Central Pacific Railway Company, a corporation,
12 and its lessee, Southern Pacific Company, a corpora-
13 tion, grantor, and Lodi Winery, Incorporated, grant-
14 ee, dated August 2, 1938, recorded May 23, 1940,
15 in volume 692, page 249, of the official records of
16 the county of San Joaquin.

17 **SEC. 5. LIMITATIONS ON VALIDATION OF CONVEYANCES.**

18 (a) SCOPE.—Nothing in this Act shall be construed
19 to—

20 (1) diminish the right-of-way referred to in sec-
21 tion 2 to a width of less than fifty feet on each side
22 of the center of the main track or tracks maintained
23 by the Southern Pacific Transportation Company on
24 the date of enactment of this Act;

1 (2) legalize, validate, or confirm, with respect to
2 any land that is the subject of a conveyance referred
3 to in section 3 or 4, any right or title to, or interest
4 in, such land arising out of adverse possession, pre-
5 scription, or abandonment, and not confirmed by
6 such conveyance; or

7 (b) MINERALS.—(1) The United States hereby re-
8 serves any federally-owned minerals that may exist in land
9 that is conveyed pursuant to section 2 of this Act, includ-
10 ing the right of the United States, its assignees or lessees,
11 to enter upon and utilize as much of the surface of said
12 land as is necessary to remove minerals under the laws
13 of the United States.

14 (2) Any and all minerals reserved by paragraph (1)
15 are hereby withdrawn from all forms of entry, appropria-
16 tion, and patent under the mining, mineral leasing, and
17 geothermal leasing laws of the United States.

Passed the House of Representatives June 21, 1993.

Attest: DONNALD K. ANDERSON,
Clerk.